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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,949	06/23/2003	Stephen J. Blauer	blaum40520	7879
21587	7590	09/27/2004		
ALTMAN & MARTIN 6 BEACON ST, STE 600 BOSTON, MA 02108			EXAMINER HOEY, ALISSA L	
			ART UNIT 3765	PAPER NUMBER
DATE MAILED: 09/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,949	Applicant(s) BLAUER ET AL.	
	Examiner Alissa L. Hoey	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-20 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: identifier 66 is found in the drawings but not referred to in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graf (US 3,846,844).

In regard to claim 7, Graf provides a coat (10) that reversibly provides for a wearer a dress mode (figure 3) and a protective mode (figure 1), the dress mode (figure 3) presenting a dress facing exterior (14) and a protective facing interior (16). The protective mode (figure 1) presenting a protective facing exterior (16) and a dress facing interior (14). The coat (10) has a plurality of panels fabricated from a clothing material that includes the dress facing (14), a protective facing (16) and an interstice there between (column 2, lines 1-3). The coat comprises a plurality of panels to form a bodice (figure 1, identifiers 12 and 20). The bodice comprises two panels spanning the anterior of the wearer and a back panel that spans the posterior of the wearer (figures 1 and 2). The panels having reversely joined edges to form a pair of sleeves (12 and 20). A first pair of attached seams about the underarms and shoulders of the raincoat joining the sleeves to the front panels and the back panels (figures 1 and 2, identifiers 20). Another pair of stitched seams stitched along the joined edges of the bodice (figures 1 and 2, identifier 20). A tape extending along and sealed to the protective facing across the stitched seams (figures 4 and 5, identifiers 20 and 26). The coat of Graf is capable of being used as a raincoat. However, Graf fails to teach the second pair of stitched seams along and reversely joined edges of the sleeves and extending from the underarms to the cuffs of the sleeves.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the a second pair of seams stitched along the edges of the sleeve and extending from the underarms to the cuffs of the sleeves because Applicant has not disclosed that providing a second

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pair of seams stitched along the edges of the sleeve and extending from the underarms to the cuff of the sleeves provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well the second pair of seams stitched along the edges of the sleeve and extending from the underarms to the cuffs of the sleeves or from the shoulders to the cuffs of the sleeves because as long as there are a second pair of seams extending down the length of the sleeve the location of the seams running from the shoulder to the cuff or from the armpit to the cuff is irrelevant as long as the seam is present and holds the sleeve together. Therefore, it would have been an obvious matter of design choice to modify Graf to obtain the invention as specified in claim 7.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blauer et al. (US 6,128,783) in view of Grilliot et al. (US 2004/0143883).

In claims 1-4, Blauer provides a reversible protective garment (20) comprising a plurality of panels joined by a plurality of threaded seams (column 2, lines 28-36) for alternatively presenting a dress mode exterior or a protective mode exterior (column 2, lines 37-44). The plurality of panels are fabricated from a clothing material including a dress facing, a work facing and an interstice there between (figure 1, identifiers 36, 38, 40 and 42). The dress facing (36) consisting essentially of a first fabric and the work facing stratum (40) consisting essentially of a second fabric and the interstice strata consisting essentially of a vapor permeable membrane (38). The dress mode presenting an exterior characterized by the first fabric and the work mode presenting an exterior

characterized by a second fabric (column 3, lines 6-9). A tape along some of the threaded seams in contact with the second fabric along borders of the panels to seal the threaded seams (column 3, lines 53-63). The first fabric is a dress weave of dark color and the second fabric is a high visibility protective knit (column 3, lines 10-27).

However, Blauer fails to teach both the dress facing and the work facing being infused with a water repellant treatment and the tape composed of a fabric that is like the second fabric in visual appearance.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the tape composed of the fabric that is like the second fabric in visual appearance because Applicant has not disclosed that the tape being of a fabric that is like the second fabric in visual appearance provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the tape composed of any fabric matching the visual appearance of the second fabric or not, because as long as the tape covers the stitched seams and provides for additional water fastness than the appearance of the tape can be picked on aesthetics desired. Therefore, it would have been an obvious matter of design choice to modify Blauer to obtain the invention as specified in claim 2.

Grilliot provides a reversible protective garment having both sides of the garment having a water repellant treatment (figures 1, 2 and 3: paragraph 8).

It would have been obvious to have provided the reversible protective garment of Blauer with the both sides water repellant of Grilliot, since the reversible protective

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garment of Blauer provided with both sides being water repellant provides a garment that can be worn during precipitation to protect the user from getting wet no matter which side is chosen as the outward facing side by the user.

5. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blauer et al. in view of Shannon et al. (US 5,029,344).

In regards to claims 1 and 3-6, Blauer provides a reversible protective garment (20) comprising a plurality of panels joined by a plurality of threaded seams (column 2, lines 28-36) for alternatively presenting a dress mode exterior or a protective mode exterior (column 2, lines 37-44). The plurality of panels are fabricated from a clothing material including a dress facing, a work facing and an interstice there between (figure 1, identifiers 36, 38, 40 and 42). The dress facing (36) consisting essentially of a first fabric and the work facing stratum (40) consisting essentially of a second fabric and the interstice strata consisting essentially of a vapor permeable membrane (38). The dress mode presenting an exterior characterized by the first fabric and the work mode presenting an exterior characterized by a second fabric (column 3, lines 6-9). A tape along some of the threaded seams in contact with the second fabric along borders of the panels to seal the threaded seams (column 3, lines 53-63). The first fabric is a dress weave of dark color and the second fabric is a high visibility protective knit (column 3, lines 10-27).

However, Blauer fails to teach fails to teach both the dress facing and the work facing being infused with a water repellant treatment and the water repellant coating being a polytetrafluorethylene film.

Shannon et al. provides a reversible jacket that has four different possible outer surfaces (column 2, lines 49-61). The outer surfaces are capable of being made from any material including: flannel, denim, corduroy, gortex (expanded polytetrafluorethylene) and other synthetic fabric weather or not treated for water-resistance (column 6, lines 41-46). The reversible jacket of Shannon is capable of having two outer surfaces being treated for water-resistance and Gortex is a polytetrafluorethylene film with water-resistant properties.

It would have been obvious to have provided the reversible protective garment of Blauer with the gortex facings of Shannon et al., since the reversible protective garment of Blauer provided with polytetrafluorethylene films on all possible outer surfaces allows the garment to protect the user from precipitation on either outer facing surface chosen by the user.

Allowable Subject Matter

6. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 10-20 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Friedman, Berger, Woislowsky, Preston, Muller, Rosenstein, Dufine, Callahan et al., Kleinman, Loscher, Bukspan, Ostby, Jr., DeGrazia, Sato,

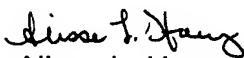
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Rosenstein, Bollag, Fingerhut et al., Moyer, Harris, King et al., Spector, Spink, Bayer, Grilliot et al. and Wilson are all cited to show closely related garments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (703) 308-6094. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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